

**RULES  
OF  
TENNESSEE DEPARTMENT OF HUMAN SERVICES  
REHABILITATION SERVICES DIVISION**

**CHAPTER 1240-8-4  
SERVICES TO INDIVIDUALS**

**TABLE OF CONTENTS**

1240-8-4-.01	Intake: Referrals and Applications	1240-8-4-.15	Transportation
1240-8-4-.02	Evaluation or Assessment for Determining Eligibility, and Priority for Services	1240-8-4-.16	Interpreter Services for the Deaf
1240-8-4-.03	Eligibility, Ineligibility, and Certification	1240-8-4-.17	Reader, Teaching, Orientation and Mobility Services
1240-8-4-.04	Annual Reviews of Ineligibility Decisions	1240-8-4-.18	Telecommunications, Sensory and Other Technological Aids and Devices
1240-8-4-.05	Individualized Plan for Employment	1240-8-4-.19	Services to Family Members
1240-8-4-.06	Counseling, Guidance, and Referral Services	1240-8-4-.20	Placement in Suitable Employment
1240-8-4-.07	Physical and Mental Restoration Services	1240-8-4-.21	Post-Employment Services
1240-8-4-.08	Physicians' Services and Medical Diagnosis	1240-8-4-.22	Licenses, Tools, Equipment, Initial Stocks and Supplies
1240-8-4-.09	Hospital and Clinic Services	1240-8-4-.23	Other Goods and Services
1240-8-4-.10	Dental Diagnosis and Services	1240-8-4-.24	Standards for Closing Cases
1240-8-4-.11	Eyeglasses and Visual Services	1240-8-4-.25	Repealed
1240-8-4-.12	Medical Care for Acute Conditions	1240-8-4-.26	Repealed
1240-8-4-.13	Training Services		
1240-8-4-.14	Maintenance		

**1240-8-4-.01 INTAKE: REFERRALS AND APPLICATIONS.**

- (1) The agency will receive referrals of individuals from any source by any means, as long as the individual is present in the State and the following information is received:
  - (a) Name and address;
  - (b) Age and sex;
  - (c) Date of referral;
  - (d) Source of referral;
  - (e) Nature of disability;
- (2) A referral will be considered an applicant when the individual has completed and signed an Agency application form or has otherwise requested services.
- (3) As appropriate, the referral source shall be promptly advised regarding receipt of the referral.

**Authority:** T.C.A. §§4-5-202, 71-1-105, 49-11-601 et seq., 34 CFR §§361.30 and 361.41, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

**1240-8-4-.02 EVALUATION OR ASSESSMENT FOR DETERMINING ELIGIBILITY, AND PRIORITY FOR SERVICES.**

- (1) An evaluation or assessment will be conducted by the Agency to determine whether an individual is eligible for services and to determine the individual's priority category under an order of selection.
- (2) The evaluation or assessment will be based on a review of existing data including counselor observation or information provided by the individual. Additional data may be required to the extent

(Rule 1240-8-4-.02, continued)

that existing data does not describe current functioning or is deemed to be insufficient or inappropriate for determination of eligibility or priority for services.

- (3) The Agency will make a decision on eligibility within sixty (60) days after an individual has submitted an application for Vocational Rehabilitation services unless exceptional and unforeseen circumstances beyond the control of the Agency preclude a determination and the individual agrees to an extension of time, or unless a period of trial work experiences is deemed necessary.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §§361.41 and 361.42, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4.03 ELIGIBILITY, INELIGIBILITY, AND CERTIFICATION.**

- (1) After evaluation of data or a period of trial work experiences, eligibility for Vocational Rehabilitation services is determined by applying the following criteria:
  - (a) The presence of a physical or mental impairment which for the individual constitutes or results in a substantial impediment to employment;
  - (b) The individual can benefit from the provision of Vocational Rehabilitation services; and
  - (c) The individual requires Vocational Rehabilitation services to prepare for, secure, retain, or regain employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- (2) An individual who receives SSI or SSDI benefits based on disability or blindness is presumed to be eligible for vocational rehabilitation services, provided that he or she intends to achieve an employment outcome, unless there is clear and convincing evidence that the individual is incapable of benefiting due to the severity of the disability.
- (3) Certification of eligibility will be completed, signed, and dated by the Rehabilitation Counselor when it is determined the individual meets the criteria for eligibility. Even though an individual meets the eligibility criteria, services may not be available due to funding and priorities for services in an order of selection.
- (4) Certification of ineligibility will be completed, signed, and dated by the Vocational Rehabilitation Counselor when it is determined the individual does not meet the eligibility criteria or is no longer eligible for services. The individual will be informed in writing giving the basis of the ineligibility determination.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §§361.41, 361.42, and 361.43, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4.04 ANNUAL REVIEWS OF INELIGIBILITY DECISIONS.**

- (1) If it is determined that an applicant is ineligible based on the conditions in rule 1240-8-4.03 or the individual after receiving services is determined no longer eligible for services, the case will be closed as ineligible. The following conditions must be met:
  - (a) This decision is made only after providing an opportunity for consultation with the individual or, as appropriate, his or her parent or guardian or other representative, and the individual will be

(Rule 1240-8-4-.04, continued)

provided the basis of the decision in writing (supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual).

- (b) In cases in which the client is determined ineligible because the individual is incapable of achieving the employment outcome, there will be a review of the ineligibility decision within twelve (12) months and annually thereafter if such a review is requested by the individual or the individual's representative. This review is to afford the individual the opportunity for full consultation in the reconsideration of the decision, except in situations where the individual has refused a periodic review, left the state, whereabouts is unknown or medical condition is rapidly progressive or terminal.
- (c) The rationale for the ineligibility decision shall be recorded in the record certifying that the individual is not eligible or is no longer eligible for services.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §§361.43 and 361.5(b)(5), and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4-.05 INDIVIDUALIZED PLAN FOR EMPLOYMENT.**

- (1) An individualized plan for employment is initiated and periodically updated for each eligible individual. Vocational Rehabilitation services are provided in accordance with the written plan.
- (2) The plan is developed by the eligible individual or, as appropriate, his or her representative, with assistance available, to the extent determined appropriate by the eligible individual, from the vocational rehabilitation counselor or through other technical assistance. A copy of the written plan will be provided to each individual.
- (3) The individualized plan for employment places primary emphasis on the determination and achievement of an employment outcome and, as appropriate, includes:
  - (a) The specific employment outcome chosen by the eligible individual, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, resulting, to the maximum extent appropriate, in employment in an integrated setting;
  - (b) A description of the specific vocational rehabilitation services that are needed to achieve the employment outcome, provided in the most integrated setting appropriate for the service involved and consistent with the informed choice of the individual;
  - (c) Timelines for the achievement of the employment outcome and for the initiation of services;
  - (d) A description of the entity chosen by the eligible individual to provide the services, and the methods used to procure such services;
  - (e) A description of criteria used to evaluate progress toward achievement of the employment outcome;
  - (f) The terms and conditions of the individualized plan for employment, including: the responsibilities of the designated State unit; the responsibilities of the eligible individual, including responsibilities of the eligible individual in relation to the employment outcome, participation in payment for costs of the plan if applicable, and applying for and securing comparable benefits; and the responsibilities of other entities through comparable benefits;

(Rule 1240-8-4-.05, continued)

- (g) For an individual with the most significant disabilities, needing a supported employment setting, information regarding the extended services needed and the source of the services;
- (h) As necessary, a statement of projected need for post-employment services;
- (i) As appropriate, a statement of any need for personal care assistance or rehabilitation technology services;
- (j) The rights of the individual and the means by which the individual may seek remedy for any dissatisfaction;
- (k) The availability of a client assistance program.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §§361.45, 361.46, and 361.5, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4-.06 COUNSELING, GUIDANCE, AND REFERRAL SERVICES.**

- (1) The individual with a disability is provided counseling, guidance, and referral services that are necessary to develop or implement a rehabilitation program. Counseling is a process in which a vocational rehabilitation counselor works face to face with an individual with a disability to help clarify the best possible vocational, personal, and social adjustment considering the functional limitations of the individual and the potentials for success. Referral means directing the individual to other agencies for assistance not available from the Division of Rehabilitation Services.
- (2) As a minimum, each applicant will receive counseling and guidance as an essential service while determining eligibility, while providing services in accordance with the Individualized Plan for Employment and after job placement to provide follow along counseling for at least ninety (90) days.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §§361.37 and 361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

**1240-8-4-.07 PHYSICAL AND MENTAL RESTORATION SERVICES.** The agency provides physical or mental restoration services to a relatively small portion of the total disabled population served when restoration services are expected to eliminate, reduce or contain the disabling condition within a reasonable length of time. "Restoration Services," in this context, refers to a variety of corrective medical, surgical, psychiatric or other therapeutic treatment that aids the client to be restored to an improved physical or mental condition.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §§361.48 and 361.5, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4-.08 PHYSICIANS' SERVICES AND MEDICAL DIAGNOSIS.**

- (1) These services are provided by duly-licensed physicians who provide diagnostic and/or treatment services under the Rehabilitation Services program.
- (2) Medical assessment, as appropriate, will be obtained to assist in determining the extent of an individual's disability in making an eligibility determination.
- (3) The disabling conditions for which restoration services are rendered must be stable or slowly progressive.

(Rule 1240-8-4-.08, continued)

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4-.09 HOSPITAL AND CLINIC SERVICES.**

- (1) Hospitals which are licensed by the State of Tennessee may be used for in-patient and out-patient services if the Division of Rehabilitation Services is in possession of:
  - (a) A properly executed contractual agreement with the hospital.
  - (b) The attending physician has the right to choose the hospital or clinic of choice if the hospital or clinic is on the agency's approved list.
  - (c) All in-patient and out-patient hospitalization, whether for diagnostic or treatment purposes, must be approved by the medical consultant and supervisor.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4-.10 DENTAL DIAGNOSIS AND SERVICES.**

- (1) Applicants whose only significant need is treatment of diseased teeth or gums by relatively routine dental intervention and those referrals or applicants who have problems from smallness of the jaws, protrusion of the jaw, or crooked teeth in need of straightening will not be considered to have a significant disability. Problems of this type are usually cosmetic in nature and do not cause sufficient functional limitation to be considered a substantial impediment to employment.
- (2) Dental services may be provided under the following conditions:
  - (a) When eligibility has been established due to another disability and following provision of service for said disability, the individual cannot secure remunerative employment due to the condition of the teeth, gums or jaws.
  - (b) When eligibility has been established due to another disability and there is medical evidence documenting that the condition of the teeth or gums is causing or contributing to the major disability.
  - (c) In certain cases involving dysfunction of the temporomandibular joint in which there is evidence of severe pain, muscle spasm, and difficulty in opening the mouth.
  - (d) As medical care for acute conditions when the program of services for another disability is likely to be interrupted due to an acute dental problem.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

**1240-8-4.11 EYEGLASSES AND VISUAL SERVICES.**

- (1) The range of visual services includes examinations and refractions, eye surgery and treatment, visual training, orthoptics and pleoptics, conventional lenses, telescopic and microscopic devices, other special aids and prosthetic devices.
- (2) Glasses may be furnished when eligibility has been established on the basis of an eye problem and glasses will help correct the visual loss. Glasses may also be furnished when there is another major disability which established eligibility but glasses are needed to achieve the rehabilitation plan.
- (3) Artificial eyes may be furnished when the provision of such will result in improved appearance, thereby enhancing the individual's employment potential.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

**1240-8-4.12 MEDICAL CARE FOR ACUTE CONDITIONS.**

- (1) Medical care for acute conditions may be provided if the disabled individual is eligible on the basis of economic need, does not have comparable benefits to cover the cost of services, and the acute condition arose during the course of the Individualized Plan for Employment and is expected to interfere with evaluation or rehabilitation potential or the achievement of the employment outcome.
- (2) Acute conditions are those injuries or acute illnesses of short duration (thirty (30) days or less) occurring during the course of rehabilitation such as accidental fractures, acute appendicitis, upper respiratory infections, etc. Medical care includes medical, nursing, psychological, dental, hospital, drugs or other medically related services necessary for the treatment of the acute condition. Medical care for this condition cannot be provided while the case is in case status 00, 02, and 32.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

**1240-8-4.13 TRAINING SERVICES.**

- (1) Training may be furnished to eligible individuals to the extent necessary to achieve a vocational rehabilitation goal. An applicant or eligible individual qualifies for training services when he or she has the necessary capacity and ability to directly benefit from the training that provides skills for suitable remunerative employment and may include: vocational, pre-vocational, and/or personal adjustment training.
- (2) Training may be provided by public or private facilities or other vendors to meet minimum standards and:
  - (a) An economic needs criteria will be applied to all training services except tuition costs.
  - (b) Certain limitations may be imposed on the length of training, rate of payment for tuition, maintenance, transportation, and other expenses associated with training that may include books, supplies, incidental expenses, etc.
  - (c) Eligible individuals in training will be expected to maintain progress toward achieving a vocational goal by taking a specified number of hours and maintaining passing grades. Failure to achieve progress may result in discontinuing the training program.

(Rule 1240-8-4-.13, continued)

- (d) Comparable benefits are to be utilized in all cases where training services are planned so that agency expenditures are reduced. All eligible individuals must apply for grant funds when appropriate in post-secondary training, but are not required to apply for awards and scholarships based on merit.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4.14 MAINTENANCE.**

- (1) Maintenance, as defined in rule 1240-8-2.03(5), is a support service and may be provided only to enable an eligible individual to participate in and be fully involved in the vocational rehabilitation program. Maintenance services may be provided at any time when the living expenses exceed the normal expenses of the individual that are necessitated by the individual's participation in the rehabilitation program.
- (2) An economic needs test must be met to receive maintenance services except in situations where maintenance services are needed to determine eligibility for rehabilitation services or to determine the nature and scope of services to be provided under the Individualized Plan for Employment.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §§361.48 and 361.5, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4.15 TRANSPORTATION.**

- (1) Transportation is provided as necessary to applicants or eligible individuals in conjunction with other vocational rehabilitation services.
- (2) Transportation includes necessary travel and related expenses including subsistence during travel in connection with transporting individuals and their attendants and escorts for the purpose of providing the full benefit of the other vocational rehabilitation service.
- (3) Transportation includes relocation and moving expenses necessary for achieving a vocational rehabilitation objective.
- (4) An economic needs test must be met to receive transportation services except in determining eligibility for rehabilitation services or the nature and scope of services to be provided under an Individualized Plan for Employment.
- (5) Transportation assistance following placement will not exceed 30 days beyond employment or after the individual with a disability receives the first paycheck, whichever comes first.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4.16 INTERPRETER SERVICES FOR THE DEAF.**

- (1) Interpreter services for the deaf are provided to deaf individuals when such services will assist in the attainment of the rehabilitation objective.

(Rule 1240-8-4-.16, continued)

- (2) The interpreter follows a policy of abiding by the “Interpreter Code of Ethics” promulgated by the National Registry of Interpreters for the Deaf, as revised. This Code represents standards of ethical practice, including an emphasis on confidentiality, impartiality, non-paternalism and the continued development of skills.
- (3) The State unit has staff, or arranges to have available individuals, able to communicate with applicants for service who rely on special modes of communication.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4-.17 READER, TEACHING, ORIENTATION AND MOBILITY SERVICES.**

- (1) Reader services, rehabilitation teaching services, note taking services and orientation and mobility services for the blind are provided to the disabled individual when such services are helpful in reaching the rehabilitation objective.
- (2) Rehabilitation teaching services aid visually impaired persons to manage their own lives and reach the vocational objective.
- (3) Orientation and Mobility Services train visually impaired individuals in the use of dog guides, canes, vision aids, and other aids that help disabled persons reach optimum levels of independence.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4-.18 TELECOMMUNICATIONS, SENSORY AND OTHER TECHNOLOGICAL AIDS AND DEVICES.**

- (1) The purpose of providing telecommunications, sensory and other technological aids and devices is to utilize every advantage for individuals with severe disabilities to expand on opportunities to reach an employment outcome.
- (2) For the purpose of this chapter, the following terms have the following meanings:
  - (a) A Telecommunications System is any transmission, emission, or reception of signs, signals, written images and sounds of intelligence of any nature by wire, radio, visual, or electronic system including any intervening processing and storage.
  - (b) Sensory or other technological aids and devices means any electronic or mechanical piece of equipment intended to substitute for one or more of the human senses of impaired mobility or motor coordination and are most often used for persons with a severe loss of sight or hearing and with severe mobility or motor coordination.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4-.19 SERVICES TO FAMILY MEMBERS.**

- (1) The following criteria apply for providing services to family members:



(Rule 1240-8-4-.19, continued)

- (a) Services are provided only after determination of eligibility and must be provided under an Individualized Plan for Employment.
  - (b) Such services are provided only to family members. "Family Member" means any relative by blood or marriage of the eligible individual, and any other individual living in the same household with whom the eligible individual has a close interpersonal relationship.
  - (c) Such services should be supportive to the eligible individual's needs and contribute toward achieving the employment outcome.
  - (d) Such services are not available through existing community agencies.
- (2) The counselor must fully consider comparable benefits available under other programs before providing services to family members.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §§361.48 and 361.5, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4-.20 PLACEMENT IN SUITABLE EMPLOYMENT.**

- (1) Placement services are provided only to those individuals with a disability who are declared eligible for rehabilitation services. The agency considers client interest and capability, economic trends, rate of unemployment and labor market information. The counselor often works in conjunction with other agencies to effect the placement service. The individual with a disability is considered suitably placed when employed consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- (2) Economic need criteria are not applied for provision of this service.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §§361.48 and 361.54, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4-.21 POST-EMPLOYMENT SERVICES.**

- (1) Post-employment services are provided to individuals with a disability who have been determined eligible, received services, and achieved an employment outcome.
- (2) Post-employment services are intended to assure the individual maintains or regains employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §§361.48 and 361.5, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4-.22 LICENSES, TOOLS, EQUIPMENT, INITIAL STOCKS AND SUPPLIES.**

- (1) Occupational licenses, tools, equipment, initial stocks and supplies are provided to individuals with a disability who are determined eligible for rehabilitation services and such for whom purchases will increase the individual's prospect for successful employment outcome.

(Rule 1240-8-4-.22, continued)

- (2) The individual with a disability must use the items in the performance of training and employment activities and keep the items serviceable and in good repair.
- (3) Economic need criteria are applied to these services except occupational license as defined within the State Plan for Vocational Rehabilitation Services.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4.23 OTHER GOODS AND SERVICES.**

- (1) Other goods and services are provided to individuals determined eligible for vocational rehabilitation services.
- (2) These other goods and services must be necessary to help the individual with a disability to prepare for or enter employment.
- (3) Not included is the purchase of transportation vehicles (cars, vans, trucks, etc.), land or purchase of or construction of a building.
- (4) Minor alterations of homes and work areas of business sites may be included for making facilities accessible and/or adaptable to meet individuals' needs. Also, advertisements, rent and other items that directly relate to the rehabilitation needs of the individual may be provided.
- (5) Economic need criteria are applied for provisions of these services.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §361.48, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

#### **1240-8-4.24 STANDARDS FOR CLOSING CASES.**

- (1) The individual's case record is closed when appropriately determined, planned services, expenditures and reports are completed and additional vocational rehabilitation services are not needed, except as they may be provided under Post-Employment services. Closure action is required for all case records and may occur at any point in the process.
- (2) Closure from referral or applicant status is based upon the following standards:
  - (a) One or more of the conditions for eligibility for rehabilitation services are not met.
  - (b) Intervening reasons prevent eligibility or ineligibility determination.
- (3) Closure from trial work experiences is based upon the following standards:
  - (a) After a sufficient variety of trial work experiences over a sufficient period of time, it is determined that the individual cannot be expected to benefit from vocational rehabilitation services in terms of an employment outcome.
  - (b) Intervening reasons prevent eligibility or ineligibility determination.
- (4) Closure of cases as rehabilitated or not rehabilitated is based on the following standards:

(Rule 1240-8-4-.24, continued)

- (a) The case is determined rehabilitated when the provision of services under an Individualized Plan for Employment has contributed to the individual achievement of an employment outcome consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice, and the individual has maintained employment for a period of at least ninety (90) days.
- (b) The case is determined not rehabilitated when an employment outcome cannot be achieved and maintained for ninety (90) days or that employment resulted without benefits derived from services under an Individualized Plan for Employment.

**Authority:** T.C.A. §§4-5-202, 71-1-104, 71-1-105, 49-11-601 et seq., 34 CFR §§361.44 and 361.56, and Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

**1240-8-4-.25 REPEALED.**

**Authority:** T.C.A. §§14-1-104, 14-1-105, and 49-11-601 et seq., 34 CFR 361.42(a)(15), Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Repeal filed July 12, 2002; effective September 25, 2002.

**1240-8-4-.26 REPEALED.**

**Authority:** T.C.A. §§14-1-104, 14-1-105, and 49-11-601 et seq., 34 CFR Part 361, Executive Order No. 43. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Repeal filed July 12, 2002; effective September 25, 2002.